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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,318	01/25/2001	Satoshi Watanabe	04329.2498	4456
22852	7590	02/09/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			BONSHOCK, DENNIS G	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 02/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/768,318

Applicant(s)

WATANABE, SATOSHI

Examiner

Dennis G Bonshock

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Final Rejection

Response to Amendment

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment A as received on 11-17-2003.

2. Claims 12-20 have been examined.

Status of Claims:

3. Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka, Patent # 6,094,723 and Camara et al., Patent # 6,373,507, hereinafter Camara.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka, Patent # 6,094,723 and Camara et al., Patent # 6,373,507, hereinafter Camara.

6. With regard to claim 12, Otsuka teaches a contents management apparatus for managing the transfer of contents between a computer and a recording and reproducing device (see column 1, lines 46-65), storing means for storing contents identification information (see column 11, lines 58-65 and column 1, line 65 through column 2, line 10), a number indicating a predetermined number of times the contents is capable of being transferred (see column 1, lines 46-65), a storage means provided in a secret area of the medium in which neither reading nor writing is permitted by a disclosed

procedure (see column 5, lines 50-54 and column 3, lines 53-59), a check-out executing means for executing a check-out process which is capable of copying the contents identification information in the contents management apparatus to another medium (see column 1, lines 50-59), a check-in means for allowing uninstallation of the product which adjusts the number of allowed installations accordingly (see column 1, lines 60-65), subtracting means for subtracting a number of copied contents identification information from the predetermined number (see column 1, line 50-59), and a means for adding the number of copied contents identification information to the predetermined number (see column 1, lines 60-65). Otsuka, however, doesn't teach a check-out list indicating medium information storing the contents which is capable of being copied, the actual copying of information from another medium to the management apparatus in check-in, writing the medium information storing the contents in the storage means and deleting the medium information from the storage means, in the check in process.

Camara teaches a media management system similar to that of Otsuka, but also teaches a check-out list indicating medium information storing the contents which is capable of being copied (see column 1, line 50 through column 2, line 15), the actual copying of information from another medium to the management apparatus in check-in (see column 7, line 50-55), writing the medium information storing the contents in the storage means and deleting the medium information from the storage means, in the check in process (see column 7, lines 50-55). It would have been obvious to one of ordinary skill in the art, having the teachings of Otsuka and Camara before him at the time the invention was made to modify the copy protection system of Otsuka to provide

the management display screens of Camara. One would have been motivated to make such a combination because through the use of a display screen it would be possible for a user to see how many more times they can copy a recorded media and be able to better manage the items to be transferred.

7. With regard to claims 13 and 18, which teach a security level of the storing means depending on a type of medium storing the contents, Otsuka further teaches, in column 12, lines 35-50, that the security level differs in accordance with the format of the storage medium in which the number of permitted installations is stored.

8. With regard to claims 14 and 19, which teach the medium further comprising a public area in which reading or writing is permitted by the disclosed procedure, Otsuka further teaches, in column 3, lines 40-46, and area of the disk that is for recording and reproducing a rewritable area.

9. With regard to claim 15, which teaches a check-out list that manages a device of which contents are checked-out, Otsuka further teaches, in column 2, lines 28-35, the number of times an item is checked-out being stored and managed on the device.

10. With regard to claims 16 and 20, which teach the contents stored in the public area is encrypted or decrypted using the medium information, Otsuka further teaches, in column 16, line 65 through column 17, line 7, the install system having encryption and decryption functions. The install system sends data for update after encrypted, and when the file system reads receives the data that has been encrypted, the data is decrypted to analyze.

11. With regard to claim 17, Otsuka teaches a contents management apparatus for managing the transfer of contents between a computer and a recording and reproducing device (see column 1, lines 46-65), storing means for storing contents identification information (see column 11, lines 58-65 and column 1, line 65 through column 2, line 10), a flag that indicates whether or not the stored contents identification information can be transferred (see column 1, lines 50-65 and column 6, lines 1-3), the storing means for storing contents identification information and the flag stored in a secret area where no reading or writing is permitted (see column 5, lines 50-54 and column 3, lines 53-59), a check-out executing means for executing a check-out process which is capable of copying the contents identification information in the contents management apparatus to another medium (see column 1, lines 50-59), and a flag corresponding to the contents identification information of the checked-out contents, indicating that the stored contents can be transferred (see column 1, lines 50-65, and column 6, lines 1-3). Otsuka, however, doesn't teach a means for deleting stored contents identification information for the storing means for storing identification information to be managed. Camara teaches a media management system similar to that of Otsuka, but also teaches a means for deleting stored contents identification information from the storing means for storing identification information to be managed (see column 7, lines 50-55). It would have been obvious to one of ordinary skill in the art, having the teachings of Otsuka and Camara before him at the time the invention was made to modify the copy protection system of Otsuka to provide the management display screens of Camara. One would have been motivated to make such a combination because through the use

of a display screen it would be possible for a user to see how many more times they can copy a recorded media and be able to better manage the items to be transferred.

Response to Arguments

12. The arguments filed on 11-17-2003 fail to present any reasons as to how the rejections of record fail to teach the limitations as now claimed. As such, the rejections stand.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G Bonshock whose telephone number is

Application/Control Number: 09/768,318
Art Unit: 2173

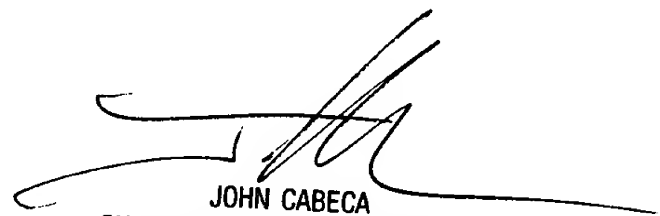
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(703)305-4668. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m..

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703)308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703)746-7239.

17. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

dgb



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100